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*Attorneys for Defendants Ira  
Brannon and Christopher Smith*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JOSEPH L. MIZZONI,

Plaintiff,

vs.

STATE OF NEVADA, *et al.*,

Defendants.

Case No. 3:15-cv-00499-MMD-WGC

**ORDER GRANTING UNOPPOSED  
MOTION FOR EXTENSION OF  
TIME TO FILE JOINT  
STIPULATION AND ORDER FOR  
DISMISSAL WITH PREJUDICE**

Defendants Ira Brannon and Christopher Smith, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Peter E. Dunkley, Deputy Attorney General, file this unopposed Motion for Extension of Time to File Joint Stipulation and Order for Dismissal With Prejudice.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. RELEVANT BACKGROUND AND PROCEDURAL HISTORY**

Following a mediation with Magistrate Judge William Cobb, the parties agreed to settlement terms. *See* ECF No. 167. Pursuant to the Court's order, the stipulation of dismissal with prejudice is to be filed no later than September 28, 2020. *See id.* The parties have exchanged settlement documents and are still collaboratively working on obtaining the necessary signatures on both the settlement documents. The parties believe they will obtain the necessary signatures within the next 30 days, or by October 28, 2020. Plaintiff has confirmed that this motion is unopposed.

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## II. ARGUMENT

Courts have inherent power to control their dockets. *Hamilton Copper & Steel Corp. v. Primary Steel, Inc.*, 898 F.2d 1428, 1429 (9th Cir. 1990); *Oliva v. Sullivan*, 958 F.2d 272, 273 (9th Cir. 1992). Fed. R. Civ. P. 6(b)(1) governs enlargements of time and provides as follows:

When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

“The proper procedure, when additional time for any purpose is needed, is to present to the Court a timely request for an extension before the time fixed has expired (*i.e.*, a request presented before the time then fixed for the purpose in question has expired).” *Canup v. Miss. Valley Barge Line Co.*, 31 F.R.D. 282, 283 (D.Pa. 1962). The *Canup* Court explained that “the practicalities of life” often necessitate an enlargement of time to comply with a court deadline. *Id.* Extensions of time “usually are granted upon a showing of good cause, if timely made.” *Creedon v. Taubman*, 8 F.R.D. 268, 269 (D.Ohio 1947). The good cause standard considers a party’s diligence in seeking the continuance or extension. *See, e.g., Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992).

In this case, the parties have been working on finalizing the settlement documents and obtaining the necessary signatures. Final versions of the documents have been circulated and are awaiting execution. Counsel for Defendants has confirmed that this motion is unopposed.

Thus, good cause exists for the Court to grant a [30] day extension in order to permit time for the settlement documents to be executed and the Stipulation and Order of Dismissal to be submitted to the Court, which will fully resolve this case.

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1 **III. CONCLUSION**

2 For the above stated reasons, Defendants request October 28, 2020 to file the Joint Stipulation  
3 and Order of Dismissal with Prejudice. This request is unopposed.

4 DATED this 28th day of September, 2020.

5 AARON D. FORD  
6 Attorney General

7 By: /s/ Peter E. Dunkley  
8 PETER E. DUNKLEY, Bar No. 11110  
9 Deputy Attorney General

10 *Attorneys for Defendants*

11 **IT IS SO ORDERED.**

12 William G. Cobb  
13 **U.S. MAGISTRATE JUDGE**

14 **DATED:** September 29, 2020  
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